

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L ABUJA 002978

SIPDIS

E.O. 12958: DECL: 11/01/12

TAGS: [PREL](#) [KTIA](#) [NI](#) [KICC](#)

SUBJECT: NIGERIA: MOD DANJUMA QUESTIONS ARTICLE 98
AGREEMENT

REF: (A) STATE 157638

(B) STATE 140390

(C) STATE 135262

CLASSIFIED BY AMBASSADOR HOWARD F. JETER; REASONS 1.5 (B)
AND (D).

1. (C) During an October 25 meeting, Ambassador Jeter gave a draft Article 98 agreement (REF. A) to Minister of Defense Lieutenant General (ret.) Theophilus Y. Danjuma. In delivering talking points on the ICC (REFS. B and C), the Ambassador emphasized that Nigeria's active role in peacekeeping missions could make its servicemen vulnerable to politically motivated prosecutions. Such would have been the case, for example, regarding Nigeria's ECOWAS troops in Sierra Leone. It might, therefore, be in Nigeria's interest to consider the merits of an Article 98 Agreement.

2. (C) Danjuma said he was "intrigued" by European Union member states' objections to Article 98 agreements, noting that many believe the U.S. would "kill the ICC the way it killed the League of Nations". Danjuma also wondered if the ICC could implement its mandate if the international community "starts to make exceptions". Ambassador replied that since Article 98 was part of the Rome Statute, the contracting states have agreed that such exceptions would not impair the ICC. Ambassador also mentioned that possible Congressional action under the American Servicemembers' Protection Act could conceivably, in the future, have some impact on security assistance relationships.

3. (C) Ambassador mentioned that he had also raised this issue with National Security Advisor Aliyu Mohammed, and also planned to raise it with the Attorney General at the earliest opportunity. Danjuma said he would discuss the issue with Minister of Foreign Affairs Sule Lamido this week.
JETER